

### Remarks

Claims 1-8 remain in the application and claims 1 and 6 have been amended. The support for the amendments to the claims appears in the discussion of the limit engine at pages 6-10 (see, e.g., lines 11-20 which discuss how the limit engine revises the user's query based on the particular algorithm used by the limit engine (which algorithm is selected by the system programmer along with the programmer's setting of what constitutes a reasonable number of query results (see page 10 lines 2 and 7-13)). See also the discussion at page 5, lines 5-10 ("The limit engine uses knowledge about the distribution of the database in order to fetch all objects which are immediately "surrounding" the user's ideal object. The term "surrounding" is a function of the *application designer's* decision about how many objects returned is reasonable and of the distribution of objects in the database").

The Applicant notes the examiner's rejection of Claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over Pant et al., (U.S. Patent No. 6,012,053) ("Pant") in view of Fox et al., U.S. Patent No. 6,574,632 B2 ("Fox").

The Applicant respectfully submits that Claims 1-8 as amended are not unpatentable under 35 U.S.C. 103 (a) over Pant in view of Fox. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and *not* based on the Applicants' disclosure. MPEP § 2143. "In determining differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not

whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” MPEP § 2141.02 (emphasis in original) (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Norton Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)).

The examiner in paragraph 4 of the office action states that Col. 3, lines 33-43 and Figs. 2-3 of Pant discloses a limit engine module interfacing with the database responsive to user input interface for expanding a database user’s query for specific data to include data within a programmable range of deviation from said database user query. The Applicant respectfully submits that nowhere does Pant disclose a limit engine module that *expands the user query* for a specific item or keyword *to include items or other words that are within a programmed range of deviation or similarity as claimed in Claim 1*. Pant, in column 3, lines 33-37 expressly states that “a user supplies the search query to the query engine through a user interface 108. The database query engine applies the search query to the database to provide search results which include an indication of the items in the database which match the search query.” There is no modification, expansion or revision of any sort to the user’s query. Instead, as expressly stated in Pant, column 3, lines 41-55, the results obtained from the unaltered user search query are then refined by a “relevance determination module” which applies “relevance factors” which are also specified by the user that submits the query. This is made clear also in column 2, lines 25-35 and column 6, lines 16-65. See, e.g., Column 6, line 18, which states that the relevance factors are “user defined.” See also Fig. 5, which is a screen where a user would enter his or her “relevance factors.” Pant discloses ranking of search results rather than query expansion; there is no mention of the use of a limit engine module to expand a user’s initial query to build a query for not only the exact user query but also a query for similar items or words within a programmable range. There is simply no limit engine module in Pant. Furthermore, there is no disclosure of a

query builder module or a query processor module in Col. 9, lines 3-6 or Fig. 3 of Pant. What Pant discloses is a way to give the user the control over how search results are presented by having the user specify relevance factors for ranking of the search results. It specifically states that “the application of relevance factors does not alter the query performed on the collection of information.” See the last sentence of the Abstract in Pant.

By marked contrast, the Applicant’s invention literally revises and expands the user’s query, and does *not* require or use any other user-inputted criteria such as relevance factors. The query that is actually submitted to the database in the Applicant’s invention is NOT the same as the query that the user entered, whereas in Pant the query remains the same, and instead the results are presented differently depending on what the user considers relevant. Pant discloses the use of “relevance factors” to expand the user’s initial query, but the “relevance factors” are user specified – the expansion of the user’s query is therefore based on additional inputs from the user, namely, the inputting of “relevance factors.” The Applicant’s invention is distinguishable because the limit engine module expands the user’s query without any additional user interaction or user supplied parameters.

Furthermore, Fox does not teach a limit engine modifying user queries to expand them to include query for items within a programmable range of deviation from the initial specific query. Fox discloses the use of multiple search engines to retrieve documents from a document database based on user queries. It creates a visual graph of what each search engine found in response to a query. The system itself does not modify the query; instead, the user can modify the initial query to use other keywords that produce better results after viewing how the initial query terms were handled by each search engine. The user refines his own queries rather than the system itself expanding the initial query to include more. The Applicant’s invention does not require multiple search engines.

As such, the prior art references noted do not teach all of the Applicant's claim limitations, and *prima facie* obviousness is not established. The Applicant respectfully submits that its invention as claimed in Claims 1-8 is not obvious in view of Pant and Fox.

The Applicant therefore respectfully requests that examiner withdraw the rejections of the Applicant's claims. The Applicant respectfully submits that the application and claims are in condition for allowance. Nonetheless, should the examiner still have any comments, questions or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

Date: July 12, 2006

**GREENBERG TRAURIG, P.A.**

1221 Brickell Avenue

Miami, Florida 33131

Tel: (305) 579-0812

Fax: (305) 579-0717



Manuel R. Valcarcel, Esq.

Reg. No. 41,360

MIA-FS1\1808822v01